

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 10, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Cameron, Coiner, Little, Lodge, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Wade Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Coiner, Little, and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 7, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Cameron was recorded present at this order of business.

SJM 111 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Section 4, Article 4 of the United States Constitution declares: "The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."; and

WHEREAS, even conservative estimates of the number of illegal immigrants residing in the United States range from twelve million to twenty million, with some estimates as high as thirty million; and

WHEREAS, the illegal entry into the United States by tens of millions of illegal immigrants approaches ten percent of this nation's population and should be considered an invasion; and

WHEREAS, the federal government has allowed this illegal immigration invasion to occur at an accelerating pace for the last several decades; and

WHEREAS, the North American Free Trade Agreement (NAFTA) and the Security and Prosperity Partnership of North America (SPP) are being used to nullify the Declaration of Independence and the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we emphatically urge and petition the President of the United States and the Congress of the United States and particularly the congressional delegation representing the state of Idaho to honor their oath of office to "support and defend the Constitution of the United States" by passing the necessary and appropriate legislation to resolve the illegal immigration crisis by:

- (1) Securing our national borders;
- (2) Stopping illegal immigration, including the ending of government incentives for illegal immigration; and
- (3) Immediately implementing a guest-worker program that requires guest-workers to apply for work visas and that establishes compliance and enforcement standards.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 135

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF MEDICAL EDUCATION NEEDS IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, in compliance with S 1210, of the First Regular Session of the Fifty-ninth Idaho Legislature, the State Board of Education engaged the consulting services of MGT of America, Inc. in August 2007 to conduct a medical education study to determine the need and feasibility of increased medical education opportunities in Idaho, and to provide an analysis of potential models of medical education for the state; and

WHEREAS, \$300,000 was appropriated from the Idaho Millennium Fund to the office of the State Board of Education to engage the services of an independent consultant, of which \$269,000 was expended; and

WHEREAS, the study was completed and presented to the State Board of Education in December 2007; and

WHEREAS, it was found that:

(1) Idaho has a need for more physicians as evidenced by statistics showing that Idaho ranks extremely low in the nation, and at the bottom among states of similar population, for number of physicians per capita.

(2) Idaho's physicians are relatively older than the national average age of physicians.

(3) Many Idaho counties are designated as "health professions shortage areas."

(4) Idaho is among the fastest growing states in the nation, which means the population growth will strain access to physicians and will increase competition with other states for physicians as the national shortage develops; and

WHEREAS, the results of the study need to be thoroughly reviewed to evaluate future medical professional needs in Idaho and to formulate a state plan for medical education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of medical education needs in Idaho. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the legislature.

BE IT FURTHER RESOLVED that the Legislative Council is requested to appoint the following legislators and ex-officio members to the study committee. Legislative members shall include the:

- (1) President Pro Tempore of the Senate or his designee,
- (2) Senate Majority Leader or his designee,
- (3) Senate Minority Leader or his designee,
- (4) Senate Finance Committee Chairman,
- (5) Speaker of the House of Representatives or his designee,
- (6) House Majority Leader or his designee,
- (7) House Minority Leader or his designee, and
- (8) House Appropriations Committee Chairman.

Ex-officio members shall include:

- (1) The President of the University of Idaho or his designee,
- (2) The President of Idaho State University or his designee,
- (3) The President of Boise State University or his designee,
- (4) The President of the Idaho Medical Association or his designee,
- (5) The President of the Idaho Hospital Association or his designee, and
- (6) Two members of the State Board of Education, or their designees as designated by the State Board of Education.

BE IT FURTHER RESOLVED that nonlegislative members of the committee who are appointed by the Legislative Council shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the scope and purpose of the study committee is to:

- (1) Review and consider the findings of the Medical Education Study final report submitted by MGT of America, Inc.;
- (2) Identify gaps in the MGT study and determine if and how those gaps should be filled;
- (3) Complete and validate an Idaho inventory of medical education assets existing in Idaho;
- (4) Evaluate future medical professional needs in Idaho; and
- (5) Initiate a state plan for medical education that includes expanded opportunities at both the undergraduate and graduate levels.

BE IT FURTHER RESOLVED that the committee is encouraged to coordinate its efforts with the State Board of Education's Medical Education Study Committee and request that the State Board of Education Medical Education Study Committee present its findings to the committee.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixtieth Idaho Legislature.

SJM 111 and **SCR 135** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Lodge and Stennett were recorded present at this order of business.

March 10, 2008

The JUDICIARY AND RULES Committee reports that **S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, S 1483, SJR 105, and SJR 106** have been correctly printed.

DARRINGTON, Chairman

S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, and S 1483 were referred to the Finance Committee.

SJR 105 and **SJR 106** were referred to the State Affairs Committee.

March 7, 2008

The JUDICIARY AND RULES Committee reports that **S 1256**, as amended, **S 1269, S 1311, S 1372**, as amended in the House, and **S 1373** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1256**, as amended, **S 1269**, **S 1311**, **S 1372**, as amended in the House, and **S 1373**, and ordered them transmitted to the House for the signature of the Speaker.

March 7, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1268**, **S 1318**, as amended, **S 1321**, as amended, **S 1326**, **S 1327**, **S 1328**, **S 1333**, **S 1334**, and **S 1357** were delivered to the Office of the Governor at 2:09 p.m., March 7, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 7, 2008

The FINANCE Committee reports out **H 589** with the recommendation that it do pass.

CAMERON, Chairman

H 589 was filed for second reading.

March 7, 2008

The STATE AFFAIRS Committee reports out **HJM 7** with the recommendation that it do pass.

McKENZIE, Chairman

HJM 7 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 10, 2008

The FINANCE Committee reports out **S 1473**, **S 1474**, **S 1475**, **S 1476**, **S 1477**, **S 1478**, **S 1479**, **S 1480**, **S 1481**, **S 1482**, and **S 1483** with the recommendation that they do pass.

CAMERON, Chairman

S 1473, **S 1474**, **S 1475**, **S 1476**, **S 1477**, **S 1478**, **S 1479**, **S 1480**, **S 1481**, **S 1482**, and **S 1483** were filed for second reading.

March 7, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **H 432**, **S 1280**, and **S 1281** with the recommendation that they do pass.

SCHROEDER, Chairman

H 432, **S 1280**, and **S 1281** were filed for second reading.

March 7, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **H 474**, **H 407**, **H 405**, and **H 472** with the recommendation that they do pass, and with the recommendation that it be placed on the Consent Calendar.

SCHROEDER, Chairman

H 474, **H 407**, **H 405**, and **H 472** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 7, 2008

Mr. President:

I transmit herewith **H 556**, **H 590**, **H 595**, **H 596**, **H 597**, **H 569**, **H 577**, **H 579**, and **H 586**, which have passed the House.

ALEXANDER, Chief Clerk

H 556, **H 590**, **H 595**, **H 596**, **H 597**, **H 569**, **H 577**, **H 579**, and **H 586** were filed for first reading.

March 7, 2008

Mr. President:

I transmit herewith Enrolled **HCR 37**, **H 392**, **H 393**, **H 394**, **H 428**, **H 446**, as amended, and **H 465** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 37**, **H 392**, **H 393**, **H 394**, **H 428**, **H 446**, as amended, and **H 465**, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that **SCR 134** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Burkett, seconded by Senator Schroeder, **SCR 134** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills,

House Petitions, Resolutions, and Memorials

S 1484

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO INITIATIVES; AMENDING SECTION 34-1804, IDAHO CODE, TO PROVIDE FOR STATEMENT OF FISCAL IMPACT, TO REVISE PETITION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1809A, IDAHO CODE, TO PROVIDE FOR ANALYSIS OF STATEMENT OF FISCAL IMPACT AND FOR REBUTTAL STATEMENT; AMENDING SECTION 34-1812C, IDAHO CODE, TO REVISE CONTENTS OF THE VOTERS' PAMPHLET AND TO PROVIDE FOR WEBSITE PUBLICATION OF THE VOTERS' PAMPHLET; AND AMENDING SECTION 34-1813, IDAHO CODE, TO REVISE THE EFFECTIVE DATE OF INITIATIVE ADOPTED BY THE VOTERS AND TO MAKE TECHNICAL CORRECTIONS.

S 1485

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE BOND BANK AUTHORITY; AMENDING SECTION 67-8716, IDAHO CODE, TO REVISE THE PLEDGE OF THE SALES TAX; AMENDING SECTION 67-8725, IDAHO CODE, TO REVISE PROCEDURES RELATING TO REPAYMENT OF RESERVE FUNDS AND THE RELATED INTERCEPT OF FUNDS PAYABLE TO A MUNICIPALITY; AMENDING SECTION 67-8727, IDAHO CODE, TO REVISE PROCEDURES RELATING TO THE INTERCEPT OF FUNDS PAYABLE TO A MUNICIPALITY; AND REPEALING SECTION 67-8728, IDAHO CODE, RELATING TO A LIMITED EXEMPTION FROM INTERCEPT PROVISIONS.

S 1484 and **S 1485** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 556, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 590, **H 595**, **H 596**, and **H 597**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 569, **H 577**, and **H 579**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 586, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 572, **H 573**, and **H 574**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 544 and **H 567**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 401 and **H 502**, by Education Committee, were read the second time at length and filed for third reading.

S 1460, by State Affairs Committee, was read the second time at length and filed for third reading.

H 463, **H 526**, as amended, and **H 365**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

S 1467, **S 1468**, **S 1469**, and **S 1471**, by Finance Committee, read the second time at length and filed for third reading.

H 422, as amended in the Senate, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

H 350, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

H 528, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 470, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1433, as amended, and **S 1435**, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1438, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1379, as amended, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

S 1444, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1466 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher,

Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1466** passed, title was approved, and the bill ordered transmitted to the House.

H 560, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 560** passed, title was approved, and the bill ordered returned to the House.

H 552 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian and Acting Senator Sagness arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 552** passed, title was approved, and the bill ordered returned to the House.

H 500 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 500** passed, title was approved, and the bill ordered returned to the House.

H 498 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 498** passed, title was approved, and the bill ordered returned to the House.

H 515 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 515** passed, title was approved, and the bill ordered returned to the House.

H 406, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 406**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 473 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Little and Andreason arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 473**

passed, title was approved, and the bill ordered returned to the House.

H 545 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 545** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills, excepting those that originated in the Senate Finance Committee were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by the Senate Finance Committee bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Tuesday, March 11, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary